

HENNIGAN, BENNETT & DORMAN LLP
J. Michael Hennigan (SBN 59491)
hennigan@hbdlawyers.com
Robert L. Palmer (SBN 181462)
palmer@hbdlawyers.com
Lauren A. Smith (SBN 94343)
smithl@hbdlawyers.com
Allison Chock (SBN 206015)
chocka@hbdlawyers.com
Caroline Walters (SBN 239054)
waltersc@hbdlawyers.com
865 South Figueroa Street, Suite 2900
Los Angeles, California 90017
Telephone: (213) 694-1200
Fax: (213) 694-1234

Attorneys for Defendants William E. and Desiree B. Moore
Revocable Trust; Trustees of The William E. and Desiree B. Moore
Revocable Trust; Desiree B. Moore Revocable Trust;
William E. Moore Marital Trust; William E. Moore
Generation-Skipping Trust; and Desiree Moore

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO AND OAKLAND DIVISION

THOMAS FERNANDEZ, LORA SMITH and
TOSHA THOMAS, individually and on behalf of
a class of all other persons similarly situated,
Plaintiffs,
vs.
K-M INDUSTRIES HOLDING CO., INC.; K-M
INDUSTRIES HOLDING CO., INC. ESOP
PLAN COMMITTEE; WILLIAM E. AND
DESIREE B. MOORE REVOCABLE TRUST;
TRUSTEES OF THE WILLIAM E. AND
DESIREE B. MOORE REVOCABLE TRUST;
CIG ESOP PLAN COMMITTEE; NORTH
STAR TRUST COMPANY; DESIREE B.
MOORE REVOCABLE TRUST; WILLIAM E.
MOORE MARITAL TRUST; WILLIAM E.
MOORE GENERATION-SKIPPING TRUST;
and DESIREE MOORE, BOTH IN HER
INDIVIDUAL CAPACITY AND AS TRUSTEE
OF THE WILLIAM E AND DESIREE B.
MOORE REVOCABLE TRUST'S SUCCESSOR
TRUSTS NAMED ABOVE.)
Case No. C 06-07339 CW
[PROPOSED] ORDER GRANTING
DEFENDANTS WILLIAM E. AND
DESIREE B. MOORE REVOCABLE
TRUST, TRUSTEES OF THE
WILLIAM E. AND DESIREE B.
MOORE REVOCABLE TRUST,
DESIREE B. MOORE REVOCABLE
TRUST, WILLIAM E. MOORE
MARITAL TRUST, WILLIAM E.
MOORE GENERATION-SKIPPING
TRUST AND DESIREE B. MOORE'S
ADMINISTRATIVE MOTION TO
REMOVE PORTIONS OF EXHIBITS
1 AND 2 TO THE SUPPLEMENTAL
DECLARATION OF CAROLINE M.
WALTERS (DOCKET NO. 207)
FROM THE PUBLIC RECORD AND
PLACE REMOVED PORTIONS OF
EXHIBITS UNDER SEAL

Defendants.

1 Defendants William E. and Desiree B. Moore Revocable Trust, Trustees of the William E.
 2 and Desiree B. Moore Revocable Trust, Desiree B. Moore Revocable Trust, William E. Moore
 3 Marital Trust, William E. Moore Generation-Skipping Trust, and Desiree B. Moore (the “Moore
 4 Trust Defendants”) move this court for an order removing portions of Exhibits 1 and 2 to the
 5 Supplemental Declaration Of Caroline M. Walters In Support Of Combined Reply, filed with this
 6 Court on July 17, 2008 (Docket No. 207) (“Supplemental Walters Declaration”), from the public
 7 record and filing such portions of exhibits under seal.

8

9 The Moore Trust Defendants’ request is made in connection with a dispositive motion.
 10 Accordingly, the documents may not be filed under seal unless there is a “compelling interest” in
 11 doing so. *Pintos v. Pac. Creditors Ass’n*, 504 F.3d 792, 801-03 (9th Cir. 2007). This is because the
 12 public interest favors filing all court documents in the public record. A compelling interest cannot be
 13 established simply by showing that the document is subject to a protective order or is considered
 14 confidential by a party, but rather must be supported by a sworn declaration demonstrating with
 15 particularity the need to file each document or portion thereof under seal. *See id.*; Local Rule 79-
 16 5(a).

17

18 KMH has filed a declaration in support of the Moore Trust Defendants’ motion. KMH has
 19 established that the information contained in the following portions of the two exhibits that the
 20 Moore Trust Defendants previously submitted in the public record is sealable:

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22 Exhibit No. 1 – pages 205 and 206 of Deposition of Stephen Ferrari.

23 Exhibit No. 2 – pages 128 and 132 of Deposition of Joseph Cristiano.

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1 Accordingly, the Moore Trust Defendants' administrative motion for an order removing
2 portions of Exhibits 1 and 2 to the Supplemental Walters Declaration from the public record and to
3 place the removed portions of the exhibits under seal is GRANTED. The above referenced portions
4 of Exhibits 1 and 2 to the Supplemental Walters Declaration (Docket No. 207) shall be removed
5 from the public record and placed under seal.

6
7 IT IS SO ORDERED.

8
9 DATED: _____

10 The Honorable Claudia Wilken
11 United States District Judge
12 Northern District of California